

CITY OF PORTLAND, OREGON BUREAU OF PLANNING

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Annexation/Housing/Code Administration/Land Use Permits/Land Use Planning/Urban Design

June 8, 1988

Dear Interested Person:

Effective July 1, 1988, the City of Portland will implement recently adopted Water Quality Amendments to the Columbia South Shore Plan District. The regulations only apply to the area north of Sandy Boulevard, between NE 82nd Avenue and NE 185th Avenue. They are intended to protect the aquifer system underlying the Columbia South Shore area, where the city operates a regional backup water supply system.

Attached is a copy of the amended code and commentary. There are four parts to the water quality amendments:

1. All developments in South Shore will be reviewed for any hazardous materials and petroleum products that are routed, stored or used on-site. This containment plan review will be coordinated by the Bureau of Buildings as part of building permit review. Containment standards are found in the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook. Copies of the handbook are available in person from Plans Examiners in the Permit Center, or by calling Tom Davis of the Bureau of Environmental Services at 796-7097.
2. Certain land uses that pose the highest risk of contaminating the City's water system are prohibited. The prohibited use list is found on Pages 2 and 3 of the attachment.
3. Certain other uses that traditionally utilize solvents and other hazardous materials may apply through a new Water Quality Impact Review. The uses subject to this review are recognized as offering the potential of different solvents or alternative process technologies that reduce the risk level. The review uses a Type II procedure, which means that a public hearing is scheduled and notices sent. If no one asks for a hearing and staff recommends approval, the request is approved and the hearing is canceled. The burden of proof rests with the applicant.
4. With the placement of permanent water quality measures, the interim requirement for a pre-application conference for all development proposals in Columbia South Shore is repealed.

In sum, the Bureau of Planning will take the lead role in determining if a proposed use is allowed. The Bureau of Buildings will consult with the Bureaus of Environmental Services and Water Works to identify any on-site containment facilities that may be required.

Sincerely,

Robert H. Glascock, City Planner II

RHG:rhg

Attc: Exhibit A: Code Amendments and Commentary  
EXHIBIT A

## RECOMMENDED AMENDMENTS TO COLUMBIA SOUTH SHORE PLAN DISTRICT

### TO BE ADDED:

#### SECTION 33.705.035. ON-SITE CONTAINMENT PLAN REVIEW

A. Actions Requiring Containment Plan Review. Any development that involves the manufacture, use, loading, handling, storage or disposal of hazardous materials in the Columbia South Shore area is required to obtain a plan check review and provide hazardous materials containment which includes routing, storage, detention and treatment systems as described in the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook (Handbook).

#### 1. Actions requiring the review are:

New uses;  
Remodeling and expansions;  
Changes in the types and quantities of hazardous materials used on the site; and  
Changes in the location or method of loading, storage or disposal of hazardous materials.

#### 2. Any approval granted is specific to that action. Subsequent actions require separate containment plan reviews.

B. Review Procedures. The Bureau of Buildings is responsible for implementing this plan review and coordinating the review with the Bureau of Water Works and Bureau of Environmental Services. The applicant is responsible for submitting a list of the types and quantities of hazardous materials to be used on-site which must be signed by a registered engineer. Before the Bureau of Buildings may approve the plans, the Bureaus of Water Works

and Environmental Services must determine that the proposed development meets containment criteria of the Handbook and recommend approval of the development . The applicant may propose a containment system which varies from the systems outlined in the Handbook. The Bureaus may recommend approval of the request under these circumstances if the Bureaus determine that the proposed containment system is equal to or better than the containment described in the Handbook.

C. Containment Systems Defined. On-Site Containment Systems are site improvements that are designed to isolate and prevent contaminant-carrying runoff and hazardous materials from entering the soil or surface-water/groundwater environments. These containment systems are dependent on the site size, and the type and quantity of hazardous materials present at each site, and are described in the Handbook.

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### SECTION 33.705.040. PROHIBITED USES

#### Subsections

- A. Purpose
- B. Prohibited Uses
- C. Water Quality Impact Reviews
- D. Exemptions from the Use Prohibition
- E. Existing Prohibited Uses
- F. Sumps, Septic Tanks and On-Site Disposal Systems Prohibited

A Purpose. Certain uses are prohibited or require an impact review in the Columbia South Shore area because they pose a high risk to the surface and groundwater resources. This section is a major component of the Water Quality Protection Plan and is meant to supplement and be used in conjunction with the other Plan elements. Preventative measures are the most effective and economical measures available to protect the water quality of the aquifer systems.

Exposure is reduced by prohibiting large quantities of hazardous materials, hazardous wastes, and specific uses that traditionally use these substances. Additional regulations are required since the base land use zones otherwise allow these uses. The prohibited use provisions only apply in the Columbia South Shore Plan District.

B. Prohibited Uses. The following uses are prohibited in the Columbia South Shore Plan District:

1. Manufacturing and production of hazardous materials, excluding production for onsite usage only. These materials include:

a. Any hazardous substance or hazardous waste as listed in the following federal regulations:

(1) Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302

Extremely Hazardous Substance List (40 C.F.R. 300, App. A and B);

(2) Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R. 302, Table 302.4);

(3) SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R. Section 372.45); and

(4) Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes Lists (P&U Categories) (40 C.F.R. Section 261.33(e) and (f)).

Note: The lists referenced in Section B.1.a. are summarized in the Title III List of Lists - Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Action (SARA) of 1986, published July, 1987, U.S. EPA.

b. Nuclear or radioactive materials or wastes.

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2. The following specific uses are prohibited:

a. Bulk plants for hazardous materials as defined in Subsection 33.455.125.C, including petroleum refining.

b. Permanent storage or disposal of hazardous wastes (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 CFR 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges, or radioactive materials, including solid waste landfills.

c. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials from off-site sources, and radioactive materials;

d. Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA) and creosote and related chemicals;

e. Battery recycling and reprocessing;

f. Retail gas stations and truck stops;

g. Agricultural application of halogenated volatile liquid organic pesticides (e.g., ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations);

h. Processing, reprocessing and storage of PCB containing oils;

I. Manufacturing and production of paving, roofing and other construction materials, using

asphaltic and petroleum based coating and preserving materials; and

j. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and nonferrous metals.

C. Water Quality Impact Reviews. The uses listed below traditionally utilize solvents and other hazardous materials. However, it is recognized that changes in operational and containment process technology may be proposed. These uses are not allowed unless approval is granted.

1. The uses are as follows:

a. Furniture stripping or refinishing;

b. Exterior and vehicle salvage, drum recycling and cleaning, commercial truck or rail tanker cleaning operations;

C. Industrial and commercial dry cleaning plants;

d. Rolling, drawing, extruding, casting, forging and heat treating of ferrous and non-ferrous metals;

e. Industrial electroplating, plating, anodizing and coloring of ferrous and non-ferrous metals; and

f. Other similar uses as may be determined by the Planning Director to pose a high potential risk to the ground and surface water resources. The applicant will be notified of any such determination within ten working days after the pre-application conference.

2. Procedure. Water quality impact reviews are a Type II land use procedure.

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3. Evaluation factors. Factors to be evaluated in determining whether the approval criterion contained in Section 33.705.040.3.4.a. is satisfied include, but are not limited to:

a. Pre-design information referenced in the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook;

- b. The types and quantities of all on-site hazardous materials, including solvents;
  - c. Operational and containment process technology;
  - d. The location of the site in relation to surface and ground water resources and other identified areas of special environmental concern;
  - e. Any proposed on-site monitoring activities; and
  - f. The location of the site in relation to designated routes for the transport of hazardous materials.
4. Approval criteria. The proposed use will be approved when all of the criteria are found to be met:
- a. Approval of the request will not potentially degrade environmentally sensitive areas, particularly ground and surface water resources; and
  - b. The Bureaus of Water Works and Environmental Services recommend approval of the request. The Bureaus may recommend approval of the request if the Bureaus determine that the proposed use and process technology meets or exceeds the proscribed requirements and performance objectives described in the Handbook.
5. Relationship to hazardous materials review. This procedure does not serve to replace the Hazardous Material Review (Subsection 33.455.125), if applicable. However, the reviews may be processed concurrently in accordance with Subsection 33.215.110.C.
- D. Exemptions From The Use Prohibition. The following uses are categorically exempt from the prohibited use regulations:
- 1. Application of non-prohibited fertilizers, plant growth retardants and pesticides in accordance with state and federal standards for accepted farming and horticultural practices.
  - 2. Petroleum storage tanks for exclusive use of registered on-site fleet vehicles.
- E. Existing Prohibited Uses. Existing uses at the time of adaption of this section, described in Subsection 33.705.040.B, Prohibited Uses, may continue to operate. However, the quantities of hazardous materials produced for off-site usage may not be increased. Uses covered in Subsection 33.705.040.C, water quality impact reviews, may expand subject to on-site containment plan review. All changes in the type of materials or the location or method of loading, storage or disposal of hazardous materials on the entire site are subject to Section 33.705.035, On-Site Containment Plan Review.
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- F. Sumps, Septic Tanks and On-Site Disposal Systems Prohibited. New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary, industrial or storm water are prohibited. All on-site storm water and waste water will be disposed of into a City approved storm water or sanitary sewerage system.

TO AMEND:

**SECTION 33.705.065. PRE-APPLICATION CONFERENCE REQUIRED**

All development proposals in the Columbia South Shore Plan District subject to Section 33.705.040, Prohibited Uses, [Subject to an SEC or SR review] will go through a pre-application conference. [in advance of submitting the SEC and/or SR application.]